

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation )  
Against: )**

**Augusto Sychukok, M.D. )**

**Case No. 800-2017-032480**

**Physician's and Surgeon's )  
Certificate No. C 40952 )**

**Respondent )**

**DECISION**

**The attached Stipulated Surrender of License and Order is hereby  
adopted as the Decision and Order of the Medical Board of California,  
Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on June 5, 2019.**

**IT IS SO ORDERED May 29, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

**By:**

  
**Kimberly Kirchmeyer  
Executive Director**

1 XAVIER BECERRA  
Attorney General of California  
2 GLORIA L. CASTRO  
Senior Assistant Attorney General  
3 STEVEN D. MUNI  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12  
13 In the Matter of the Accusation Against:

14 **AUGUSTO SYCHUKOK, M.D.**  
15 **4625 Sycamore Avenue**  
**Sacramento, CA 95841**

16 **Physician's and Surgeon's Certificate No. C**  
17 **40952**

18 Respondent.

Case No. 800-2017-032480

OAH No. 2018050119

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

19 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
20 interest and the responsibility of the Medical Board of California of the Department of Consumer  
21 Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order  
22 which will be submitted to the Board for approval and adoption as the final disposition of the  
23 Accusation.

24 **PARTIES**

25 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
26 of California (Board). She brought this action solely in her official capacity and is represented in  
27 this matter by Xavier Becerra, Attorney General of the State of California, by Steven D. Muni,  
28 Supervising Deputy Attorney General.

1       2.     Augusto Sychukok, M.D. (Respondent) is represented in this proceeding by attorney  
2     Lawrence S. Giardina, Esq., whose address is: 400 University Ave. Sacramento, CA 95825-  
3     6502.

4       3.     On or about May 23, 1983, the Board issued Physician's and Surgeon's Certificate  
5     No. C 40952 to Augusto Sychukok, M.D. (Respondent). The Physician's and Surgeon's  
6     Certificate was in full force and effect at all times relevant to the charges brought in Accusation  
7     No. 800-2017-032480 and expired on August 31, 2018. On February 28, 2018, an Interim Order  
8     of Suspension was issued prohibiting Respondent from practicing medicine.

9                                   **JURISDICTION**

10       4.     Accusation No. 800-2017-032480 was filed before the Board, and is currently  
11     pending against Respondent. The Accusation and all other statutorily required documents were  
12     properly served on Respondent on April 5, 2019. Respondent timely filed his Notice of Defense  
13     contesting the Accusation. A copy of Accusation No. 800-2017-032480 is attached as Exhibit A  
14     and incorporated by reference.

15                                   **ADVISEMENT AND WAIVERS**

16       5.     Respondent has carefully read, fully discussed with counsel, and understands the  
17     charges and allegations in Accusation No. 800-2017-032480. Respondent also has carefully read,  
18     fully discussed with counsel, and understands the effects of this Stipulated Surrender of License  
19     and Order.

20       6.     Respondent is fully aware of his legal rights in this matter, including the right to a  
21     hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
22     the witnesses against him; the right to present evidence and to testify on his own behalf; the right  
23     to the issuance of subpoenas to compel the attendance of witnesses and the production of  
24     documents; the right to reconsideration and court review of an adverse decision; and all other  
25     rights accorded by the California Administrative Procedure Act and other applicable laws.

26       7.     Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently  
27     waives and gives up each and every right set forth above.

28     ///

1 CULPABILITY

2 8. Respondent understands that the charges and allegations in Accusation No. 800-2017-  
3 032480, if proven at hearing, constitute cause for imposing discipline upon his Physician's and  
4 Surgeon's Certificate.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Accusation and that those charges constitute cause for discipline, and  
8 hereby surrenders his Physician's and Surgeon's Certificate No. C 40952 for the Board's formal  
9 acceptance.

10 10. Respondent understands that by signing this stipulation he enables the Board to issue  
11 an order accepting the surrender of his Physician's and Surgeon's Certificate without further  
12 process.

13 RESERVATION

14 11. The admissions made by Respondent herein are only for the purposes of this  
15 proceeding, or any other proceedings in which the Medical Board of California or other  
16 professional licensing agency is involved, and shall not be admissible in any other criminal or  
17 civil proceeding.

18 CONTINGENCY

19 12. Business and Professions Code section 2224, subdivision (b), provides, in pertinent  
20 part, that the Medical Board "shall delegate to its executive director the authority to adopt a  
21 stipulation for surrender of license."

22 13. This Stipulated surrender of License and Disciplinary Order shall be subject to  
23 approval of the Executive Director on behalf of the Medical Board. The parties agree that this  
24 Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive  
25 Director for her consideration in the above-entitled matter, and, further, that the Executive  
26 Director shall have a reasonable period of time in which to consider and act on this Stipulated  
27 Surrender of License and Disciplinary Order after receiving it. By signing the stipulation,

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1 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the  
2 stipulation prior to the time the Executive Director, on behalf of the Medical Board, considers and  
3 acts upon it.

4 14. The parties agree that this Stipulated Surrender of License and Disciplinary Order  
5 shall be null and void and not binding upon the parties unless approved and adopted by the  
6 Executive Director on behalf of the Medical Board, except for this paragraph, which shall remain  
7 in full force and effect. Respondent fully understands and accepts that in deciding whether or not  
8 to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive  
9 Director and/or the Board may receive oral and written communications from its staff and/or the  
10 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the  
11 Executive Director, the Board, any member thereof, and/or any other person from future  
12 participation in this or any other matter affecting or involving Respondent. In the event that the  
13 Executive Director on behalf of the Medical Board does not, in her discretion, approve and adopt  
14 this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph,  
15 it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied  
16 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees  
17 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason  
18 by the Executive Director on behalf of the Medical Board, Respondent will assert no claim that  
19 the Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,  
20 discussion, and/or consideration of this Stipulated Surrender of License and Disciplinary Order or  
21 of any matter or matters related hereto.

#### 22 ADDITIONAL PROVISIONS

23 15. This Stipulated Surrender of License and Disciplinary Order is intended by the parties  
24 herein to be an integrated writing representing the complete, final and exclusive embodiment of  
25 the agreements of the parties in the above-entitled matter.

26 16. The parties understand and agree that Portable Document Format (PDF) and facsimile  
27 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures

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1 thereto, shall have the same force and effect as the originals and may be used in lieu of original  
2 documents and signatures.

3 17. In consideration of the foregoing admissions and stipulations, the parties agree that  
4 the Executive Director of the Medical Board, without further notice or opportunity to be heard by  
5 the Respondent or formal proceeding, may issue and enter the following Order on behalf of the  
6 Medical Board:

7 **ORDER**

8 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C 40952, issued  
9 to Respondent Augusto Sychukok, M.D., is surrendered and accepted by the Board:

10 1. Respondent shall lose all rights and privileges as a Physician and Surgeon in  
11 California as of the effective date of the Board's Decision and Order.


12 2. Respondent shall cause to be delivered to the Board his pocket license and, if one was  
13 issued, his wall certificate on or before the effective date of the Decision and Order.

14 3. If Respondent ever files an application for licensure or a petition for reinstatement in  
15 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
16 comply with all the laws, regulations and procedures for reinstatement of a revoked or  
17 surrendered license in effect at the time the petition is filed, and all of the charges and allegations  
18 contained in Accusation No. 800-2017-032480 shall be deemed to be true, correct and admitted  
19 by Respondent when the Board determines whether to grant or deny the petition.

20 **ACCEPTANCE**

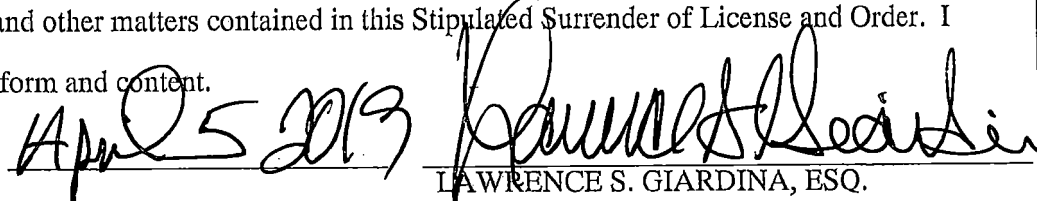
21 I have carefully read the above Stipulated Surrender of License and Order and have fully  
22 discussed it with my attorney, Lawrence S. Giardina, Esq. I understand the stipulation and the  
23 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated  
24 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound  
25 by the Decision and Order of the Medical Board of California.

26 DATED: 4/5/19

  
27 AUGUSTO SYCHUKOK, M.D.  
Respondent

1 I have read and fully discussed with Respondent Augusto Sychukok, M.D. the terms and  
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
3 approve its form and content.

4 DATED: Apr 25 2019

  
LAWRENCE S. GIARDINA, ESQ.  
Attorney for Respondent


6 **ENDORSEMENT**

7 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
8 for consideration by the Medical Board of California of the Department of Consumer Affairs.

9 Dated:

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
GLORIA L. CASTRO  
Senior Assistant Attorney General

  
STEVEN D. MUNI  
Supervising Deputy Attorney General  
Attorneys for Complainant

1 I have read and fully discussed with Respondent Augusto Sychukok, M.D. the terms and  
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
3 approve its form and content.

4 DATED: \_\_\_\_\_

LAWRENCE S. GIARDINA, ESQ.  
*Attorney for Respondent*

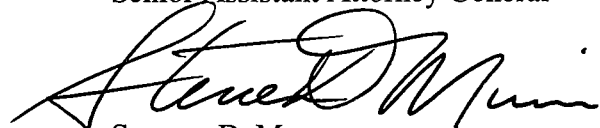
6 **ENDORSEMENT**

7 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
8 for consideration by the Medical Board of California of the Department of Consumer Affairs.

9 Dated:

Respectfully submitted,

10 XAVIER BECERRA  
11 Attorney General of California  
12 GLORIA L. CASTRO  
13 Senior Assistant Attorney General



14 STEVEN D. MUNI  
15 Supervising Deputy Attorney General  
16 *Attorneys for Complainant*



**Exhibit A**

**Accusation No. 800-2017-032480**

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1 XAVIER BECERRA  
Attorney General of California  
2 MATTHEW M. DAVIS  
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7

8 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO March 14 20 18  
BY DAVID FASION ANALYST

9 **BEFORE THE**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2017-032480

13 **Augusto Sychukok, M.D.**  
14 **2828 Mills Park Drive, Ste. B**  
**Rancho Cordova, CA 95670**

**ACCUSATION**

15 **Physician's and Surgeon's Certificate**  
16 **No. C 40952,**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs (Board).

24 2. On or about May 23, 1983, the Medical Board issued Physician's and Surgeon's  
25 Certificate Number C 40952 to Augusto Sychukok, M.D. (Respondent). The Physician's and  
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on August 31, 2018, unless renewed.

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**JURISDICTION**

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

5. Section 822 of the Code states:

"If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

"(a) Revoking the licentiate's certificate or license.

"(b) Suspending the licentiate's right to practice.

"(c) Placing the licentiate on probation.

"(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

"The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated."

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1 **CAUSE FOR ACTION**

2 **(Inability to Practice Medicine Safely)**

3 6. Respondent Augusto Sychukok, M.D. is subject to action under section 822 in that his  
4 ability to practice his profession safely is impaired due to an unspecified neurocognitive disorder.  
5 The circumstances are as follows:

6 7. On May 2, 2017, the Board received a Peer Review Reporting Form (805 report)  
7 from Partnership HealthPlan of California (Partnership) against Respondent. Partnership had  
8 evaluated the care and treatment Respondent provided to Partnership's patients. During the  
9 course of Partnership's review, it was determined that Respondent needed to be evaluated by the  
10 Physician Assessment and Clinical Education (PACE) Program in San Diego, California, as a  
11 condition for continued credentialing by the Credentialing Committee of Partnership.

12 8. From January 23 through 27, 2017, Respondent underwent a five-day physician  
13 assessment at PACE due to concerns of his ability to practice medicine safely for Partnership.  
14 PACE was unable to complete the evaluation because they recommended that Respondent  
15 undergo a neuropsychological evaluation. Based on an assessment report, dated March 8, 2017,  
16 PACE made several recommendations, including that Respondent immediately cease practicing  
17 medicine until he underwent a comprehensive fitness for duty neuropsychological evaluation.  
18 PACE found that Respondent had serious deficits in his clinical abilities that needed to be  
19 addressed before he could safely return to practice.

20 9. Based on the PACE findings, Partnership determined that a situation existed in which  
21 immediate action was required to protect the life, or well-being of Partnership members or to  
22 reduce the imminent likelihood of significant impairment of the life, health, or safety of any  
23 patient or prospective patient. On April 24, 2017, Partnership suspended Respondent's staff  
24 privileges.

25 10. On May 2, 2017, as a result of PACE's report and recommendation, Partnership filed  
26 an 805 report with the Board.

27 11. On July 17, 2017, Respondent signed a Voluntary Agreement for a Mental  
28 Examination. The evaluation was performed by an expert psychologist on October 11, 2017.

